

III. Group III, claims 21 and 22, drawn to a method of treating myocardial infarction comprising administering CGRP.

Applicant hereby elects Group I, (claims 1-16 (in part), 17-19 and 20 (in part), drawn to a method treating heart failure comprising administering CGRP), without traverse. Applicant expressly reserves their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

*Species Election*

The Examiner also has indicated that this application contains claims directed to more than one species: parenterally, orally, sublingually, intranasally, intracoronary, intra-arterially, intravenously, transmucosally, intradermally, transdermally, constant rate pump, variable rate pump, programmable pump, or osmotic pump.

Applicant elects the species of “intravenously”.

Claims readable on the elected species include claims 1-2 and 10-20.

The Examiner has further requested an election of species of claim 10 of one of an anti-proliferative agents, anti-clotting agents, vasodilators, diuretics, beta-blockers, calcium ion channel blockers, blood thinners, cardiotonics, ACE inhibitors, anti-inflammatories, and antioxidants.

Applicants elect the species of diuretics.

Claims readable on the elected species include claims 10-11.

The Examiner also has requested an election of species of claim 9 of one or more of alcohols, moisturizers, humectants, oils, emulsifiers, thickeners, thinners, surface active agents, fragrances, preservatives, antioxidants, vitamins, and minerals.

Applicants elect the species of surface active agents.

Claims readable on the elected species include claim 9.

It is noted for any election of species herein, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

**CONCLUSION**

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 560252000800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 14, 2009

Respectfully submitted,

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